

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TEXTPOWER, INC., on behalf of itself and all  
others similarly situated,

Plaintiff,

v.

CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS, AT&T MOBILITY, LLC, SPRINT  
NEXTEL CORPORATION, T-MOBILE USA,  
INC., U.S. CELLULAR CORPORATION, CTIA-  
THE WIRELESS ASSOCIATION, CLEARSKY  
MOBILE MEDIA, INC., ERICSSON IPX, MBLOX  
INCORPORATED, OPEN MARKET INC.,  
SYBASE, INC., SOUNDBITE  
COMMUNICATIONS, INC., SYNIVERSE  
TECHNOLOGIES, INC., UPOC NETWORKS,  
INC., VIBES MEDIA, 3CINTERACTIVE, L.L.C.,  
And WMC GLOBAL, INC.,

Defendants.

Case No. 1:12-cv-02729-AJN

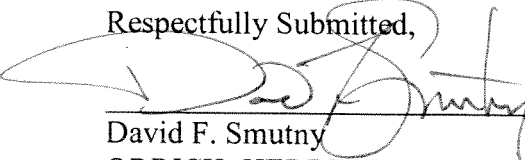
**MOTION FOR ADMISSION  
PRO HAC VICE**

Pursuant to Rule 1.3 of the Local Rules of the United States Courts for the Southern and Eastern Districts of New York, I David F. Smutny, hereby move this Court for an Order for admission to practice Pro Hac Vice to appear as counsel for MBLOX INCORPORATED in the above-captioned action.

I am in good standing of the bar(s) of the State of Illinois and the District of Columbia and there are no pending disciplinary proceedings against me in any state or federal court.

Dated: May 15, 2012

Respectfully Submitted,

  
David F. Smutny  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
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## **Certificate of Admission To the Bar of Illinois**

I, Carolyn Taft Grosboll, Clerk of the Supreme Court of Illinois, do hereby certify that

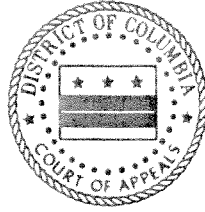
David Forrest Smutny

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 8, 1990 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto  
placed my hand and affixed the seal  
of said Supreme Court, at Springfield,  
in said State, this Monday, April 30, 2012.

*Carolyn Taft Grosboll*

Clerk



District of Columbia Court of Appeals  
Committee on Admissions  
430 E Street, N.W. — Room 123  
Washington, D. C. 20001  
202 / 879-2710

*I, JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, do hereby certify that*

*DAVID F. SMUTNY*

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*was on the 7<sup>TH</sup> day of DECEMBER, 1992*

---

*duly qualified and admitted as an attorney and counselor entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.*

*In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on April 27, 2012.*

*JULIO A. CASTILLO*  
*Clerk of the Court*

By: *Brenda Hancock*  
*Deputy Clerk*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Plaintiff,

v.

CELLCO PARTNERSHIP d/b/a VERIZON  
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And WMC GLOBAL, INC.,

Defendants.

Case No. 1:12-cv-02729-AJN

**ORDER FOR ADMISSION  
PRO HAC VICE**

The motion of David F. Smutny, for admission to practice Pro Hac Vice in the above captioned action is granted.

Applicant has declared that he is a member in good standing of the bars of the state of Illinois and the District of Columbia; and that his contact information is as follows:

Applicant's Name: David F. Smutny

Firm Name: Orrick, Herrington & Sutcliffe LLP

Address: Columbia Center, 1152 15<sup>th</sup> St., N.W.

City/State/Zip: Washington, D.C. 20005

Telephone/Fax: Tel. (202) 339-8400; Fax (202) 339-8500

Applicant having requested admission Pro Hac Vice to appear for all purposes as counsel for Defendant MBLOX INCORPORATED in the above entitled action;

**IT IS HEREBY ORDERED** that Applicant is admitted to practice Pro Hac Vice in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov).

Dated: May \_\_\_\_\_, 2012

\_\_\_\_\_  
United States District/Magistrate Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TEXTPOWER, INC., on behalf of itself and all  
others similarly situated,

Plaintiff,

- against -

CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS, AT&T MOBILITY, LLC, SPRINT  
NEXTEL CORPORATION, T-MOBILE USA,  
INC., U.S. CELLULAR CORPORATION, CTIA-  
THE WIRELESS ASSOCIATION, CLEARSKY  
MOBILE MEDIA, INC., ERICSSON IPX, MBLOX  
INCORPORATED, OPEN MARKET INC.,  
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INC., VIBES MEDIA, 3CINTERACTIVE, L.L.C.,  
And WMC GLOBAL, INC.,

Defendants.

Case No. 1:12-cv-02729-AJN

**DECLARATION OF SERVICE**

Narae Lee hereby declares as follows:

1. I am not a party to the above case, am over eighteen years old, and am  
employed by Orrick, Herrington & Sutcliffe LLP, 51 West 52nd Street, New York, New York  
10019.

2. On May 15, 2012, I served the Motion to Admit David F. Smutny Pro Hac Vice, by  
placing a true and correct copy thereof in postage prepaid envelopes, for first class mail delivery,  
in an official depository under the exclusive care and custody of the U.S. Postal Service within  
the State of New York, on counsel to all parties listed below.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
May 15, 2012

  
\_\_\_\_\_  
Narae Lee

TO:

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**Jonathan Paul Bach**  
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*Counsel for Defendant CTIA-The Wireless Association*